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6 AEROFLEX COLORADO SPRINGS, INC., AMI
SEMICONDUCTOR, INC., MATROX ELECTRONIC
7 SYSTEMS, LTD., MATROX GRAPHICS INC., MATROX
INTERNATIONAL CORP., and MATROX TECH, INC.
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 RICOH COMPANY, LTD.,

13 Plaintiff,

14 vs.

15 AEROFLEX INCORPORATED, AMI
SEMICONDUCTOR, INC., MATROX
16 ELECTRONIC SYSTEMS LTD., MATROX
GRAPHICS INC., MATROX
17 INTERNATIONAL CORP., MATROX TECH,
INC., AND AEROFLEX COLORADO
18 SPRINGS, INC.

19 Defendants.
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Case No. C03-4669 MJJ (EMC)

**NOTICE OF MOTION AND MOTION TO
MOVE SANCTIONS MOTION HEARING
DATE PURSUANT TO L.R. 6-3(A)**

Judge: Hon. Edward M. Chen

Date: April 19, 2006

Time: 10:30 a.m.

Ctrm: C

NOTICE OF MOTION

Plaintiff Synopsys, Inc. and Defendants Aeroflex Incorporated, Aeroflex Colorado Springs, Inc., AMI Semiconductor, Inc., Matrox Electronic Systems Ltd., Matrox Graphics Inc., Matrox International Corp., and Matrox Tech, Inc. (collectively "Synopsys and Defendants") seek an Order from this Court under Local Rule 6-3(a) to change the date for the hearing on the Motion for Sanctions. The request to move the hearing date on the Motion for Sanctions will not have any effect on this action's schedule. *See* Fink Decl., ¶ 3.

RELIEF REQUESTED

Specifically, Synopsys and Defendants seek an Order from the Court setting the hearing date for the Motion for Sanctions for a date after April 21, 2006.

MOTION

Aeroflex Incorporated, Aeroflex Colorado Springs, Inc., AMI Semiconductor, Inc., Matrox Electronic Systems, Ltd., Matrox Graphics, Inc., Matrox International Corp., and Matrox Tech, Inc. (collectively, the "Customer Defendants") hereby submit this motion to move the Motion for Sanctions hearing date. The reasons for this motion are as follows:

1. The parties had stipulated that the hearing for Ricoh's Motion for Sanction would be April 4, 2006.

2. Because of unavailability of Magistrate Judge Chen, the Court's March 7, 2006 Order set the hearing on Ricoh's Motion for Sanctions for April 19, 2006 at 10:30 AM.

3. On the same date that this Court has set the hearing, counsel for Synopsys and the Customer Defendants, who will argue the motion, are scheduled to be taking depositions of Ricoh witnesses in Japan.

4. It is extremely difficult to obtain discovery in Japan. Depositions must be taken at the United States Embassy or one of the Embassy's consulates. The availability of deposition rooms at the Embassy and consulates is very limited, and must be reserved months in advance. In addition, deposition participants from the United States must apply for a deposition visa, and enclose with the application a signed Deposition Order from the Court.

1 5. Several months ago, the Customer Defendants reserved and paid for a deposition room
2 in the U.S. Embassy for the period from April 13 to April 19, and depositions are currently set to go
3 forward on those dates. Ricoh has known the dates of these depositions in Japan for more than two
4 months. Denise De Mory and Jaclyn Fink will be traveling to Japan.

5 6. Ricoh's Motion for Sanctions accuses the Customer Defendants' counsel, including
6 specifically Ms. Fink, of improper behavior, and counsel should be allowed to defend themselves at the
7 hearing.

8 7. The relief that Ricoh requests related primarily to its burden of proof at trial, which is
9 presently scheduled for November 2006; i.e., that it be relieved of its burden as to certain ASICs. In
10 fact, it seeks to avoid having to take discovery as to the ASICs at issue. Thus, any urgency to this
11 matter is outweighed by the need to proceed with these long-prior scheduled depositions in Japan.

12 8. Although Ricoh knows all of these facts, Ricoh refuses to agree to move the hearing
13 date for its Motion for Sanctions. Ricoh has cited the fact that the Customer Defendants filed the order
14 confirming the depositions in Japan after the Court moved the hearing as support for assertion that the
15 Customer Defendants agreed to these depositions after they knew that the hearing had been
16 rescheduled for a conflicting date. As set forth above, however, the depositions were scheduled long
17 before the Court moved the hearing; and filing the order confirming the depositions was a formality in
18 order to get the proper visas issued, not an agreement to do the depositions even though the Court
19 moved the hearing.

20 9. As a result of these previously scheduled depositions in Japan, and because of Ricoh's
21 refusal to agree to move the hearing date, Synopsys and the Customer Defendants request that the
22 Court reschedule the Motion for Sanctions hearing until a date convenient for the Court, after April 21,
23 2006, when the Japanese depositions will conclude.

24 10. The Customer Defendants have been informed by the Court's clerk that the Court is
25 unavailable the first week of April, and that the next calendar date available after the currently
26 scheduled hearing date is May 3. The Customer Defendants are available then, and also note that the
27 parties are currently scheduled for an in-person settlement conference in San Francisco on May 11. It
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1 may be convenient to conduct the hearing that week given that counsel for Ricoh will be traveling to
2 San Francisco at that time.

3 11. WHEREFORE, Synopsys and the Customer Defendants respectfully request that the
4 Court reschedule the date of the Motion for Sanctions Hearing to a date convenient for the Court, after
5 April 21, 2006.

6 Dated: March 23, 2006

Respectfully submitted,

7 HOWREY LLP

8
9 By: /s/Jaclyn C. Fink

10 Jaclyn C. Fink
11 Attorneys for Defendants AEROFLEX
12 INCORPORATED, AEROFLEX
13 COLORADO SPRINGS, INC., AMI
14 SEMICONDUCTOR, INC., MATROX
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